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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Forty-eighth session

SUMMARY RECORD OF THE SECOND PART (PUBLIC)* OF THE 1130th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 27 February 1996, at 10 a.m.

Chairman: Mr. BANTON

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* No summary record was prepared for the first part (closed) of the meeting.

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The public part of the meeting was called to order at 11.45 a.m.

PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING AND URGENT PROCEDURES (agenda item 5) (continued)

1. The CHAIRMAN, referring to two decisions taken by the Committee the previous day, informed the members that a new periodic report had since been received from Algeria, thus showing that the Committee had done well to remove that country from the list of those requiring the adoption of preventive measures, and it had also been learned that the report of the former Yugoslav Republic of Macedonia would be transmitted to the Secretariat before the end of the session, so that it would definitely be possible to programme its consideration for the next session.

2. Mr. SHERIFIS said that he wished to raise some questions and make some comments on the preceding closed meeting. Since the information provided during that meeting had been very useful, he wondered why it could not be made public, given the fact that, with a small number of exceptions, it was not confidential in nature. Concerning the substance, he referred to a problem noted by one of the representatives of the Secretariat, namely, the property disputes that were arising in Rwanda as a result of the return of landowners wishing to recover land which they had been forced to abandon and which had been appropriated by others, and he wished to know whether the Charter of the United Nations or other international instruments made provision for such a situation. That question was covered by the Convention and was giving rise to practical problems for United Nations staff in the field.

3. He welcomed the fact that the Dayton Accords, to which Mr. van Boven had drawn the Committee's attention, included special provisions on human rights and said that the members of the Committee should be aware of those provisions. To that end, he suggested that the staff of a competent division of the Secretariat should be requested to list the aspects of the Accords that related to human rights so that the Committee could determine whether any of them were covered by the Convention.

4. He wholeheartedly supported the technical cooperation programme of the Centre for Human Rights and would be very happy to receive its monthly bulletin. He shared the views of Mrs. Sadiq Ali on the question of the document distribution services and, referring to his own case, suggested that one way to reduce expenditure in that regard would be to take careful note of changes in the addresses of recipients.

5. Mr. O'FLAHERTY (Secretary of the Committee) said that he had only four or five copies of the Dayton Accords and, owing to the lack of resources, it was not possible to make photocopies for each member of the Committee.

6. Mr. VALENCIA RODRIGUEZ said that the information provided by the members of the Secretariat was very useful. With regard to Rwanda, he thought that, even if the number of United Nations staff in the field was insufficient, their continued presence should be supported as a means to help minimize

tension. A mechanism should be established to deal with the desperate situation of the thousands of persons who were detained in extremely difficult conditions, frequently at unknown locations. There was also a need to respond to the Rwandan Government's appeal to the effect that, instead of confining themselves to investigating violations of human rights, the United Nations staff should contribute to the country's reconstruction efforts.

7. Referring to the forthcoming withdrawal of UNAMIR, which was scheduled for 8 March, he said that the persistent climate of racial violence in the country was a matter of deep concern. The question of property rights was also a matter of concern and, since, to his knowledge, there were no international standards in that regard, it should be regulated by the domestic legislation of each country. The Committee would therefore do well to familiarize itself with the Rwandan legislation in that field. That was an extremely delicate question which the Rwandan authorities should be called on to consider. With regard to the International Tribunal, one of the main problems being faced was the execution of international arrest warrants, which required the cooperation of many Governments. The Committee should call for a practical demonstration of international cooperation. It should also invite the countries of the region to collaborate in order to avoid outbreaks of violence. It was also vital to obtain the cooperation of the entire United Nations system in both Rwanda and Burundi. Lastly, the Committee should draw attention to the fact that, in those two countries, the task to be accomplished was a long and exacting one that would require considerable efforts.

8. Mr. WOLFRUM said he shared the view of Mr. Sherifis that it was not necessary for the first part of the meeting to be closed and that international public opinion should be informed of the various activities being undertaken by the Centre for Human Rights.

9. Even if the efforts that the United Nations was making in Rwanda, Burundi and Bosnia-Herzegovina to improve the situation of detainees, assist refugees, facilitate their repatriation and restore the legal system were crowned with success, there was no guarantee that they would be sufficient to establish a lasting peace in those countries. That was the aim that the Committee should help to achieve, in close cooperation with the States concerned, by, for example, proposing mechanisms to ensure, primarily at the local level, peaceful and harmonious relations between the various ethnic groups. In that regard, the Committee could form a working group with the task of proposing action that the Committee could take, particularly with regard to Rwanda and Burundi.

10. In the case of Bosnia-Herzegovina, the Committee should make a close study of the Dayton Accords, which endorsed the principle of ethnic cleansing. For example, the towns of Zepa and Srebrenica, in which the majority of the population were Muslim, were currently located in the zone allocated to the Bosnian Serbs. Moreover, although annex 3 to the Accords placed the parties under an obligation to hold free and democratic elections and stipulated that

the electorate should vote in the place where they had been living before 1991, it nevertheless specified that those persons could choose to vote elsewhere, and that was tantamount to consolidating the ethnic cleansing. The rules relating to the rights of displaced persons, as set forth in annex 7 to the Accords, were not applied, since Sarajevo was witnessing a mass population transfer. He thought that the Committee should reconsider all those questions at a later date.

11. The CHAIRMAN suggested that the members of the Committee who wished to participate in the proposed working group should contact by Mr. Wolfrum.

12. Mr. de GOUTTES thanked the Secretariat for the information which it had given to the Committee and which would help the latter to carry out its preventive activities. It would be noted that, despite the many programmes that were being implemented in Rwanda, the situation remained very precarious in view of the forthcoming expiration of the mandate of UNAMIR. Although there were also many programmes in Burundi, the situation was changing very rapidly. With regard to the Dayton Accords, it had to be admitted that they endorsed an ethnic separation that the Committee had often criticized.

13. Three conclusions could be drawn from the information provided by the Secretariat. First, there was the question whether the many programmes that were being implemented by the United Nations, regional institutions, OSCE and the Council of Europe were adequately coordinated. It would also be interesting to know the main aims of those programmes. For its part, the Committee should continue to emphasize the capital importance of instructor training and human rights education for members of the armed forces, the police, magistrates and other public officials.

14. Secondly, there was a need to convince the national and local authorities, who sometimes showed reticence, of the need for the international programmes, whose implementation should be entrusted to persons who were fully familiar with the area.

15. Thirdly, it would be interesting to know the extent to which State institutions, and particularly the judicial system, were continuing to function pending the establishment of new structures within the framework of the international programmes.

16. In conclusion, he expressed willingness to participate in the working group proposed by Mr. Wolfrum.

17. Mr. CHIGOVERA, referring to the question of Burundi and Rwanda, said that he was far from satisfied with the programmes described by the representatives of the Secretariat, since, like the many other detailed activities of other international bodies, they were not designed to achieve the only effective long-term solution, namely, ethnic harmony and integration. Any training programme was doomed to failure as long as the two parties remained hostile. The establishment of harmonious inter-ethnic relations was an indispensable

prerequisite for peace in a country such as Rwanda where the army and the Government were dominated by a single ethnic group and where virtually all the refugees and detainees belonged to another group. Even the effect of the activities of the International Tribunal might be the opposite of that expected. In fact, the persons indicted, who belonged to the same ethnic group, had to answer to the crime of genocide while the other group had apparently only committed murders and there was a high risk that the persecutors might themselves become persecuted and harbour a desire for revenge. Inter-ethnic peace should be the main concern of the Committee and particularly of the proposed working group, which could draft a framework constitution for Burundi or Rwanda by drawing inspiration - a possibility that no one had as yet considered - from what had been done elsewhere in Africa, in Mozambique, for example.

18. Mr. GARVALOV, referring to the situation in Bosnia-Herzegovina, said that, although the Dayton Accords constituted the solution with the fewest drawbacks, despite the frustrations to which they would inevitably give rise and although every effort should be made to ensure their full implementation, it seemed unlikely that they would establish peace between the ethnic groups in the near future. In human terms, the events had left an extremely serious aftermath which the Committee should acknowledge and attempt to dispel. For example, the multifaceted phenomenon of ethnic cleansing was continuing and people who were not under any armed threat could be seen fleeing from the place where they had always lived, in order to protect their lives, without heeding the sensible advice of the competent officials. Regardless of whether it was referred to as ethnic cleansing or as population transfer, that phenomenon was extremely serious and might give rise to an accumulation of inter-ethnic grievances that would be transmitted from generation to generation. The Committee had an obligation diligently to seek to improve that situation.

19. Mr. YUTZIS said that a distinction should be drawn between the information received by the Committee, the position adopted by the Committee on that information and, lastly, the proposals made by the Committee. While acknowledging the considerable efforts that had been made within the framework of the United Nations system, he found it regrettable that the available resources were not always used in the most judicious manner. With regard to technical cooperation projects (in the former Yugoslavia, for example), he thought that the Committee had not adopted the critical approach needed to apply an evaluation and monitoring mechanism that would make it possible to assess the results achieved and make a useful contribution in each specific situation. He therefore proposed the establishment of a multidisciplinary working group that would take account of the various aspects of the social situation. In his view, it would be advisable to assess the Dayton Accords from that standpoint in order to ascertain whether the implementation of some of their provisions might have adverse psychological and social consequences that would make problems worse instead of solving them.

20. The CHAIRMAN invited the members of the Committee to specify the questions which, in their opinion, should be considered at the current session under agenda item 5 on the prevention of racial discrimination, including

early warning and urgent procedures. He requested Mr. Valencia Rodríguez to prepare a text expressing the Committee's support for the idea of a permanent United Nations presence in Rwanda, as well as a summary of the views of the members of the Committee on the position to be adopted on the question of Burundi. He also requested Mr. van Boven to consider the wording of a declaration that the Committee might make concerning the application of the Dayton Accords.

21. Mr. YUTZIS said that he supported the idea of drafting declarations on the situation in Rwanda, Burundi and Bosnia-Herzegovina, but thought that the Committee would do better to consider the most appropriate measures to ensure the effectiveness of the programmes being implemented in those countries.

22. The CHAIRMAN suggested that the consideration of that question should be continued at a later meeting.

The meeting rose at 1 p.m.